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E-FILED

FILED

MAR 15 2007

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

6
7 IN THE UNITED STATES DISTRICT COURT
8 FOR THE NORTHERN DISTRICT OF CALIFORNIA
9

10 UNITED STATES OF AMERICA,)

No. CR-07-70081 PVT

11 Plaintiff,)

STIPULATION, WAIVER AND

12 vs.)

~~PROPOSED~~ ORDER CONTINUING

13 JOKAELLE PORTER,)

PRELIMINARY HEARING AND

14 Defendant.)

EXCLUDING TIME FOR INDICTMENT

15
16 **STIPULATION AND WAIVER**

17 The parties hereby stipulate and agree that the date of March 15, 2007 currently set for
18 preliminary hearing and/or arraignment may be continued for three weeks to April 5, 2007, at
19 9:30 a.m. Mr. Porter, by his signature below, further consents to extend by two weeks the time
20 for preliminary hearing under Rule 5.1 of the Federal Rules of Criminal Procedure. The purpose
21 of the requested continuance is to permit the defense to continue its investigation into the
22 circumstances of the alleged offense and to facilitate the parties' efforts to reach a pre-indictment
23 resolution. The parties further agree that the intervening three weeks may be excluded from the
24 time within which an indictment shall be filed, as the reasonable time necessary for effective
25 defense preparation under 18 U.S.C. §3161(h)(8)(A) and (B)(iv).
26

1 Dated: March 12, 2007

2 s/
3 CYNTHIA C. LIE
Assistant Federal Public Defender

4 Dated: March 12, 2007

5 s/
6 JOKAELLE PORTER
Defendant

7 Dated: March 13, 2007


8 s/
9 THOMAS M. O'CONNELL
Assistant United States Attorney

10 **[PROPOSED] ORDER**

11 Good cause appearing and by stipulation of the parties, it is hereby ordered that the date
12 set for preliminary hearing and/or arraignment in the above-captioned matter shall be continued
13 from Thursday, March 15, 2007 to Thursday, April 5, 2007 at 9:30 a.m.

14 It is further ordered that 21 days shall be excluded from the time within which an
15 indictment shall be filed under the Speedy Trial Act, as the reasonable time necessary for
16 effective preparation of counsel, pursuant to 18 U.S.C. §3161(h)(8)(A) and (B)(iv).
17

18 Dated: March 15, 2007

19 
20 PATRICIA V. TRUMBULL
United States Magistrate Judge